

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT ALDRED, an individual) CIVIL DIVISION
Plaintiff,)
v.) No.
)
CITY OF PITTSBURGH, ACTING CHIEF)
OF POLICE REGINA McDONALD,) Judge
OFFICER MICHAEL SOROCZAK,)
OFFICER JOSHUA MATTHEWS, and)
OFFICER LOGAN HANLEY.) JURY TRIAL DEMANDED
Defendants.

NOTICE OF REMOVAL

1. Defendants Officer Michael Soroczak, Officer Joshua Matthews and Officer Logan Haley file this Notice to Remove the above action to the United States District Court for the Western District Court pursuant to 28 U.S.C. §§ 1441(a) and 1446.

2. Plaintiff's initial Complaint named the City, (former) Acting Chief McDonald ("Chief McDonald"), and ten "John Doe" defendants. The above action was commenced in the Court of Common Pleas of Allegheny County, Pennsylvania under case number GD No.: 19-001728. While Plaintiff's first Complaint mentioned §1983 claims in certain paragraphs it was unclear whether any claims were constitutional. Defendants City of Pittsburgh ("City") and Acting Chief McDonald accepted service of Plaintiff's initial complaint in this action on approximately March 13, 2019. No service was executed or accepted on behalf of any "John Doe" defendant.

3. On June 21, 2019, Plaintiff filed an Amended Complaint, changing his claims. Plaintiff's Amended Complaint removed claims against all "John Doe" defendants and, instead, made claims against, the City, Acting Chief McDonald, and Defendants Officer Michael Soroczak, Officer Joshua Matthews, and Officer Logan Haley. All three newly named Defendant Officers accepted service between June 21, 2019, and July 9, 2019.

4. Pursuant to § 1446 a copy of all processes, pleadings, and orders are attached as Exhibits A – C.

5. Plaintiff's Amended Complaint alleges violations of Plaintiff's Fourth Amendment rights. The Plaintiff's alleged federal Fourth Amendment claims are brought pursuant to 42 U.S.C. §§1983.

6. According to 28 U.S.C. § 1331, this Court has jurisdiction because Plaintiff's claims are made pursuant to federal law.

7. According to 28 U.S.C. §§ 118(c) and 1441(a) the Western District is the proper district for removal.

8. All above Officer Defendants, as well as Defendant City of Pittsburgh and Acting Chief McDonald, consent to removal pursuant to 28 U.S.C. § 1446.

9. As later-served Defendants, Officers Michael Soroczak, Joshua Matthews and Logan Haley each have the right to remove within thirty days of acceptance of service. *See Delalla v. Hanover Ins.*, 660 F.3d 180, 186 (3d Cir. 2011)(Given that § 1446(a) explicitly affirms the possibility of multiple notices of removal, the only reasonable reading of § 1446(b) is that the subsection applies individually to *each* notice of removal that might potentially be filed by *each* removing ‘defendant.’ To hold otherwise would create tension between subsections (a) and (b)). Furthermore, Acting Chief McDonald and the City are not “precluded from joining” in the defendant officers instant notice because the two elected not to file a notice of removal. *Id.* at 188.

10. This action may therefore proceed in this court pursuant to 28 U.S.C. §§ 1441(a) and 1446.

11. Defendants City of Pittsburgh and Defendant Officers demand a jury trial.

Respectfully submitted,

/s/ Julie E. Koren

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